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In re Application of
SHIINA, Hiroki et al. :
U.S. Application No.: 10/586,120 :
PCT No.: PCT/JP2005/017964 :
Int. Filing Date: 29 September 2005 :
Priority Date: 17 November 2004 :
Attorney Docket No.: 09812.0111 :
For: RECORDING APPARATUS AND :
RECORDING METHOD, :
REPRODUCING APPARATUS AND :
REPRODUCING METHOD, AND :
PROGRAM :
DECISION ON
PETITION
UNDER 37 CFR 1.181

This is a decision on the petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office on 21 February 2008.

BACKGROUND

On 02 April 2007, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905), indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 05 February 2008, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application went abandoned for failure to timely reply to the Notification of Missing Requirements.

On 21 February 2008, applicants filed a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

DISCUSSION

Applicants claim to have submitted a timely response to the Notification of Missing Requirements and ask that holding of abandonment be withdrawn. To withdraw the holding of abandonment, applicants must provide sufficient evidence of an earlier, timely filing with the Office and a copy of the earlier submission.

Applicants have provided a date-stamped postcard receipt identifying the above

captioned application and listing a declaration. Applicants have provided a copy of the declaration they claim to have earlier submitted. The copy of the declaration is accepted as having a receipt date of 04 June 2007.

CONCLUSION

For the above reason, applicants' request to withdraw the holding of abandonment is **GRANTED**.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 05 February 2008 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further action consistent with this decision. The application has a 35 USC 371(c)(1), (c)(2) and (c)(4) date of 04 June 2007.

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